

## **Before the Federal Communications Commission Washington, D.C. 20554**

In the Matter of:

2018 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996

MB Docket No. 18-349, Notice of Proposed Rulemaking, 33 FCC Rcd 12111 (2018);  
Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, § 202(h) (1996);  
Consolidated Appropriations Act, 2004, Pub. L. No. 108-199, § 629, 118 Stat. 3 (2004)  
(amending Sections 202(c) and 202(h) of the 1996 Act).

Public Notice, DA 21-657 (June 4, 2021). Media Bureau Seeks to Update the Record in the 2018 Quadrennial Regulatory Review, MB Docket No. 18-349

### **Comments of Sue Wilson, Media Action Center**

The events of January 6, 2021 were entirely foreseeable and, and for those of us watching media policy, predictable. In the arena of public opinion, current Federal Communications Commission rules to govern broadcast radio licensees have been rewarding far-right authoritarian ideologies for a generation, and in practice, preventing any real debate over the air to counter politically motivated lies and disinformation. This problem is compounded by too few radio licensees in any one market, restricting local competition. Looking forward, new FCC rules could well allow one politically motivated TV station group to control all the local news content in TV and radio stations and newspapers in single towns all over the country. With our national debate now pivoting to preventing disinformation, we all realize that FCC media rules really do matter to the very foundation of our country. The FCC has an opportunity now to consider the true impact its rules have on the competition of ideas and information, and rise to this occasion to protect not only industry profits, but also Democracy principles. This paper seeks to provide relevant history, data, and a road map to a better tomorrow.

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## I. Defining “Competition”

On June 4, 2021, the Media Bureau released a Public Notice seeking to update the record in the 2018 Quadrennial Review proceeding, in which the Commission has sought comment, pursuant to its obligation under Section 202(h) of the Telecommunications Act of 1996, on whether its media ownership rules remain “**necessary in the public interest as the result of competition.**”

Current Federal Communications Commission broadcast license ownership rules are anti-competitive and favor industry to the detriment of our very democracy. They need to be rewritten to reflect 21<sup>st</sup> Century needs, not only of the broadcast industry, but also of the public, which owns the airwaves, but whose interest has been dis-served by consolidation of disinformation.

As we all watched in horror the January 6, 2021 insurrection at the nation’s Capitol, so many asked “How could this happen?” When lies, misinformation and purposeful disinformation were allowed to spread over our nation’s publicly owned airwaves for a generation *with absolutely no opportunity for the public to respond on those same airwaves with facts*, giant swaths of Americans accept lies as truth. FCC decisions fomented these lies; FCC decisions can again foment real discussion, *if* the agency remembers its commitment to the Public Interest, and *if* it helps to develop relevant data to comprehend what is really going on with US broadcast media.

There was much discussion of the term “competition” in the recent Supreme Court case *FCC v Prometheus Radio*, the meaning of which trended toward the industry standard of competing for profits. But let us examine the concept of “competition” in regard to media license ownership rules and other FCC rules from the perspective of the “Public Interest.”

Unlike other businesses, broadcasting uniquely does not enjoy a free market. As the Commission well knows, there are only so many physical frequencies in the air over which to broadcast. If one broadcast station group is allowed to license two or more TV or radio stations in the same town, it robs someone else entirely of the opportunity to compete.

The industry may say they need several stations in the same community in order to make a profit. Local station profit information will be detailed later, but is profit the only measure to consider within the broadcast communications industry? An industry with the power to provide or deny news and information? With the ability to make or break public opinion? An industry legally required to serve the public interest?

If an aspiring broadcaster wants to compete in the field of public opinion, it is virtually impossible. Today’s FCC rules have put every commercial radio station in some towns into a single owner’s hand, and recent TV consolidation rules may well do the same to communities across the country. Current FCC rules are essentially prohibiting would-be broadcasters from ever communicating on the publicly owned space we call TV and Radio to provide alternate ideas, opinion, news, and information.

What about political influence? Most TV industry profits are gleaned from the sale of political advertising, and stations generally do accept ads from any party who will pay for them. However, political influence in radio, and now even TV, goes far beyond paid ads.

When an earlier FCC chose to favor industry profits over the trade of ideas and facts, when the agency ruled that the “marketplace will determine fairness,” when it allowed rampant information consolidation within single communities, the FCC put the discourse so vital to our democracy second to the whims of financially and politically motivated broadcasters.

FCC rules essentially do not allow any new access into markets to compete, and the agency has demonstrated it will not allow local politicians and community members any opportunity to respond on existing broadcast outlets to rampant mis- and dis-information, even, as we will learn next, during crucial campaign periods.

## **II. Case Study: 2012 FCC Ignores Revealing Radio Study in Wisconsin**

In 2012, Wisconsin citizens complained to me that the two major 50,000-watt radio stations in Milwaukee, Wisconsin were sponsoring five “Conservative” local radio hosts to promote Republicans - and Republicans only – every Monday through Friday throughout the year and even during campaign seasons. These residents said those stations would not allow even prominent Democrats like former Senator Russ Feingold *any access* on the public airwaves to refute not only political ideologies but outright lies. Due to radio licenses being in the hands of just a few owners, no opportunities existed for a competing viewpoint on any other local radio station. Interesting, but merely anecdotal.

Then the 30-day recall campaign of Wisconsin Governor Scott Walker gave us an opportunity to conduct a study to understand this issue. Under the umbrella of my pro-public media rights group *Media Action Center*, five MAC team members tape-recorded the five programs daily to count how many minutes each program allowed GOP supporters to specifically promote Walker, verses how many minutes they allowed Democratic supporters to promote Walker’s opponent. (Those tapes still exist for anyone wanting to study them.)

Within just seven days, we found and published that between the two stations, Clear Channel’s WISN and Journal Communications’ WTMJ, were giving an average of two hours and 48 minutes of direct support *every day* to surrogates of Republican candidate Scott Walker. We found similar direct support of Democratic candidate Mayor Tom Barrett amounted to just under 3 minutes daily. (The data collected will be found at <https://www.mediaactioncenter.net/p/zapple-doctrine-data-sheets-from-scott.html> .)

Meanwhile, in accordance with then FCC policy, supporters of Democrat Barrett were writing the stations every day asking to also be allowed to speak on their candidate’s behalf on these programs, which reached nearly the entire state. The stations denied these requests.

Media Action Center volunteers conducted public file inspections of each station to determine how much monetary in kind support this 2-hour 48 minute daily political advantage was worth.

We found in 2012 that one political radio advertising spot costed roughly \$100 to \$200, depending on the length and the time of airing. That meant that WISN was giving Walker and his GOP supporters between \$16,000 - \$32,000 in free airtime *every day*, and WTMJ was giving Walker and his GOP supporters between \$18,000 to \$36,000 in free time *daily*.

Midway through the 30-day campaign period, MAC sent a detailed report of this gross imbalance to the FCC's Mark Berlin, Policy Division (Political Office.) We asked, "...the Commission to rule immediately so that supporters of the major political party which have been shut out of the debate on the radio airwaves may have their say now, while the campaign is ongoing." <sup>i</sup>

Local newspapers generally supported our research, <sup>ii</sup> with the Milwaukee Journal Sentinel's James Rowen writing on Election Day, June 5, 2012:

"It's 11:45 a.m. on recall election day in Wisconsin, and it's already been a busy morning at the office for Wisconsin conservative talkers determined to drive up Scott Walker's vote total.

AM 620 WTMJ morning righty talker Charlie Sykes is now into his *fourth straight hour* [of pro-Walker, anti-Barrett voter encouragement](#).

Along with airing a live interview with Republican national committee chair Reince Priebus and conservative voter polling place testimonials, Sykes has managed to call Barrett a "crappy" Mayor.

Sykes has also broadcast rumors of voting fraudsters on their way to Wisconsin by bus from Michigan and intimated that more ballot shenanigans will happen tonight in Milwaukee, Madison and Kenosha.

Noon update - - [righty talker Jeff Wagner picks right up where Sykes left off](#).

**12:45 p.m. update** - - And is [now into this monotopic's fifth straight hour](#).

When does WTMJ change its call letters to WGOP?

Every election day, conservative talk radio in Wisconsin gives Republican candidates a tremendous boost, but its value does not show up in any accounting of campaign support."

Even national radio industry watchers believed the MAC case had merit. Wrote Talkers Magazine Legal Editor Stephen Weisman on June 4, 2012,

"It would seem then that where the particular show and station used its own discretion to choose the guest on a show and where at least some of the time during its regular programming provided discussions of political matters, the show would come within the "news interview

program” exception. However, if it can be proved as alleged by Sue Wilson and the Media Action Center that these Milwaukee radio stations consistently only interviewed or promoted a single candidate without ever providing air time to his opponent, it is not only possible, but likely that the FCC would not apply the exception and would require equal time for the other candidates.

The FCC rules on this matter may have a significant effect on the upcoming Fall national and state elections.” <sup>iii</sup>

The FCC ruling on this matter had zero effect on fall elections because the FCC ignored the issue entirely. Despite my having had personal discussions prior to filing this study with Mr. Berlin and other FCC officials, the 2012 FCC failed to respond – at all.

So on behalf of the citizens of Wisconsin, on November 1, 2012, MAC filed Petitions to Deny the broadcast licenses of WISN and WTMJ based on the stations’ anti-competitive support of the views of only one political party. <sup>iv</sup>

On November 29 that year, MAC was informed its license challenges would be delayed because the FCC could not find the legal pleadings, even though the agency had signed a receipt accepting them earlier that month.

On November 30, 2012, the agency let me know that it had found the legal petitions and that they were filed on time. But the same day, Mr. Berlin wrote,

“For the Zapple Doctrine to be invoked, the supporters of the opposing candidate would have to specifically ask the station for air time. If the station refused, the supporters could then appeal to the FCC, but no such Zapple complaint has been made in at least eight years.”

But Barrett supporters, including Randy Bryce, Gerry Flakas, Ray Grosch and several others *did* write both stations *daily* during the Walker recall campaign demanding comparable time to talk about their preferred (Democratic) candidate. The stations denied them the opportunity.

This language was included in the original Formal Complaint to the FCC of May 23, 2012, which stated,

“Under the quasi-equal opportunities doctrine, in the 60 days prior to an election, stations must provide comparable time for supporters of the opposing party if they so request it within seven days of a given broadcast. **Supporters of Tom Barrett did make such requests; WTMJ denied them comparable time; WISN has not responded to any requests.**”

Mr. Berlin further ignored sworn declarations to this effect, included in the Petition to Deny WISN and WTMJ’s licenses. From the Petition to Deny the license of WTMJ, Mr. Bryce, under penalty of perjury, wrote the following:

## DECLARATION

RE: WTMJ-AM, Milwaukee, Wisconsin

My name is Randall Bryce. I am a member of the Media Action Center, ("MAC") and I am authorized to participate in this matter on behalf of MAC. I am a resident of Racine, Wisconsin and reside within the greater Milwaukee, Wisconsin media market. I am also a regular listener of WTMJ-AM, which is owned by Journal Communications ("JC").

I have reviewed and I support MAC's "Petition to Deny and for Other Relief" ("Petition to Deny") directed at JC's pending application to renew WTMJ-AM's broadcast license. The facts stated in these documents are true to my personal knowledge.

I would be seriously aggrieved if the Petition to Deny is not granted, since as a consequence of its denial members of MAC, and Milwaukee, Wisconsin area listeners generally, including myself, would be deprived of program service in the public interest, particularly deprived of balanced political coverage in the 60 days prior to elections

### Gross Imbalance of Political Discourse During Campaign Seasons in Violation of FCC Rules

Over the years, JC's WTMJ routinely allows only one major political party access to the publicly owned airwaves on its 50,000 watt station. As unfair as that may be, that appears to meet with FCC approval.

However, the FCC has specific rules dealing with comparable time for supporters of political candidates which WTMJ has been proven to be breaking.

On May 9th, the 28 day campaign period for the Scott Walker recall election began. I noted that WTMJ talk show hosts featured many guests and supporters of Scott Walker and the GOP, but no supporters of Tom Barrett and the Democrats.

As a supporter of Tom Barrett and Democrats, I wrote (via email) WTMJ station management requesting comparable time on the following dates (all within the FCC's prescribed seven days from original broadcast rule.) May 14th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, and 24th. In many of these requests I specifically cited the FCC's Quasi-equal opportunities rule (Zapple.)

WTMJ manager Steve Wexler responded to my emails, in part, with this:

*"While some of our programming may include commentary and the personal opinions of program hosts, the station works diligently to ensure that a variety of views on important public issues are reflected in the totality of our news and talk programming."*

The facts, as unearthed by MAC, is that WTMJ hosts not only allowed Republican only

supporting guests on the air on all their local talk programs in the 28 days prior to the election, but also used the publicly owned airwaves to actively recruit volunteers for Scott Walker and other GOP candidates, while not allowing any Democrats access to the airwaves, even though we so requested.

This shows that callous disregard WTMJ management has for members of its community of service, as well as its disregard for the FCC's own rules governing broadcasts during the 60 days prior to elections.

No broadcast licensee has the right to use the publicly owned airwaves with clear political intent, but that is what JC's WTMJ has and is doing, even in the current campaign period.

Therefore the public interest of greater Milwaukee is clearly not being served by JC at WTMJ-AM. I believe my First Amendment rights, and those of the community of Milwaukee, are being violated by JC's corporate decision to restrict access to the microphones, allowing only pro-corporate, pro-Republican voices to the exclusion of all others – during critical campaign periods.

It is vital that Journal Communications, which also owns the Journal Sentinel Newspaper and WTMJ TV in Milwaukee, serves the entire public interest in our community. JC is dis-serving the public interest in the Milwaukee media market by showing clear political intent with its programming, and should no longer hold this license.

This statement is true to my personal knowledge and is made under penalty of perjury under the laws of the United States of America.

Executed October 26, 2012.

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Randall Bryce  
(address and phone number redacted)

In the end, the FCC's Media Bureau denied the MAC Petitions to Deny, stating

"While MAC purports to make Zapple Doctrine (and First Amendment) claims, we find that its real complaints relate to the Station's programming choices. It is well established, however, that the Commission cannot exercise any power of censorship over broadcast stations with respect to content-based programming decisions."

In this case, relevant data, which was at the crux of the FCC v Prometheus Radio Supreme Court decision<sup>v</sup>, was provided to the Commission but abjectly ignored. Perhaps it was ignored because the study came directly from a newly formed public interest group, with no lawyer filing it.

But consider: when the We the People see the equivalent of a crime being committed on *the airwaves we own*, our only recourse is to call the equivalent of the cops, which is the Commission itself. It appears the FCC never truly considered the question at hand, which essentially asks whether a broadcaster can throw its full weight behind a political party and give absolutely no *right to respond* on a station licensed to serve the public interest. Critics, and indeed the Commission itself in this case, without considering the merits, decided that any right to respond in the political arena is at the sole discretion of station licensees, who may benefit directly from the outcome of said election.

So how does this square with the question at hand, whether the Commissions' "media ownership rules remain 'necessary in the public interest as the result of competition.'" Again, what exactly is the meaning of competition? In the Zapple decision, the Commission took away all rights of the Public to engage in meaningful debate during campaigns. Even if Democrats had the ability to pay the tens of thousands of dollars daily to be heard in equal amounts on Wisconsin's local radio, there is not 2 hours and 48 minutes of airtime even available for them to buy. How exactly is this FCC decision providing competition for information within the realm of the Public Interest?

### **3. Anti-competitive Broadcast Policy Over Time Led to the Insurrection**

In light of the January 6 insurrection, how exactly is that 2012 FCC decision playing out today in the state of Wisconsin, where the result of the 2020 Presidential election continues to be contested? <sup>vi</sup>

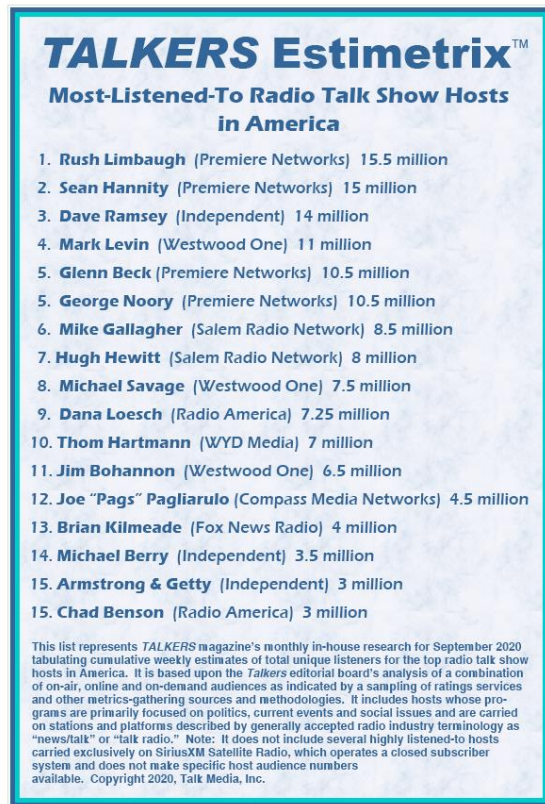
What effect does one-sided political talk, innuendo, slurs, and dare I say - lies - have, when exclusively promoted across what is nearly an entire state, day after day, month after month, year after year - with no opportunity for another viewpoint to be heard - because those we call "owners" who are really "licensees" decide they will control all content, the public interest be damned?

What effect does it have when celebrated Wisconsin radio personalities like Vicki McKenna call for *war* after Trump lost the 2020 election and continually use the airwaves to promote such thinking?<sup>vii</sup> At the very least, licensees should provide listeners with an opportunity to present an alternative point of view.

The very size of the growing far right Talk Radio audience makes it obvious its impact. Talker's Magazine releases a report of the most listened to Talk Show hosts in America. By adding up total audiences of only those talk show hosts considered to be doing politically "Conservative" radio, not including talkers like Dave Ramsey who offer financial advice or George Noory who likes to talk about UFOs I added up 100 million people who listen every day to what is really



Right Wing propaganda. Certainly, there is some overlap of those listening to multiple programs, but the number of listeners is in the tens of millions and it has grown for decades.



Six days after the 2020 election, <sup>viii</sup> Limbaugh told his audience of 15.5 million,

“There's simply no way Joe Biden was legitimately elected president. I just can't believe it. I do not believe it. Intellectually and as I look at what I have learned and what I have seen over the course of the past four, five days, there's simply no way.”

Unlike yesteryear, no one was allowed an opportunity on the air to counter that fiction in a meaningful way (people can call into the program, but calls are screened, and generally only less informed callers are allowed on the air.)

Same when on December 18, 2020, Sean Hannity told his radio audience of 15 million<sup>ix</sup> (which dwarfs his top Fox News rating of 4 million,)

“There's no doubt this was stolen. No doubt whatsoever. I don't have any doubt in my mind.”

The millions of people who listen to these programs in their cars and businesses and homes on hundreds of stations nationwide absolutely believe the 2020 election was stolen, even though Court after Court has ruled there is no evidence that occurred. However, Talk Radio does not tell

those listeners how the Courts ruled. Consider the effect of what an entire generation of such unanswered speech has done to our populous. Lies, repeated day in and day out to tens of millions of people for more than 30 years, have resulted in what can only be called a brainwashing effect.

But wait, don't Talk Radio hosts have free speech? Of course they do, and they should, as should we all. The problem is station licensees are denying the free speech of anyone except their chosen few to get on the air – our airwaves – to counter mis- and dis-information.

While the Commission and others look at the power of social media, consider all privately owned social media outlets share one thing in common: the opportunity for the public to respond. If Russians post a crazy lie on social media to adversely influence our elections, real people on Facebook or Twitter, etc. always have the right to counter such information with their own opinions and links to facts. But the owners of the public airwaves, We the People, have been *entirely robbed of any opportunity to respond to lies* purposely disseminated on Radio or TV.

Even if a radio host goes on the air and attacks you or me personally to thousands or millions of listeners, we no longer have the right – on our own airwaves – to defend ourselves. Our only recourse is to hire a lawyer and sue for defamation. We have seen this with parents of children slain in the Sandy Hook school shooting.

Over time, Alex Jones, on his radio program, falsely claimed that the Sandy Hook school shooting was a hoax; that no children were shot; that the grieving parents we saw on TV were actually paid actors; and that the entire shooting, which took the lives of 20 children and six adults, was staged by gun control advocates to further their agenda.

As a result of broadcasting this misinformation on our publicly owned airwaves, several parents of the slain children have been targeted by Jones' listeners with threats to their lives. As a result, Leonard Pozner, whose six-year old son Noah Pozner was one of the victims, received threatening voicemails: "You gonna die. Death is coming to you real soon." Pozner and his wife have relocated seven times to avoid harassment based on Jones' remarks. Each time they have moved, their new locations have been published online. "Sometimes I lie awake at night worrying that despite our efforts at security, a determined conspiracy fanatic might gain entry to our home," said Noah's mother, Veronique De La Rosa in a court declaration. Added her husband, "Due to Mr. Jones' broadcast, I have also suffered severe emotional distress and trauma which I cannot even begin to adequately describe. No human being should ever be asked to suffer through the torment Mr. Jones carried out."

But can these parents, who have been attacked over our air in the most insidious way, get on Jones' show, or even on radio stations running Jones' show to tell the public the truth? No. They cannot. Instead, they had to hire lawyers. Several parents' lawsuits are pending in the courts.<sup>x</sup>

The FCC really should enforce its Hoax Rule against Jones. But if only We the People had the opportunity to compete in the field of information, this phenomena could self-correct. The FCC has the power to make that correction, and we plead that the Commission does so immediately for the sake of the Union.

#### **4. Fewer stations, more Licensees**

If more entrants were able to purchase multiple radio stations within a given market, the competition of ideas and information may self-correct.

In 2008, local 1,000 watt radio station KSAC went off the air. It was tough for the little station that barely reached Sacramento's suburbs to compete with 50,000 watt giant KFBK, whose signal stretches from Chico to Modesto, from Reno to that little town of San Francisco. Despite KFBK reaching millions more potential listeners, KSAC Talk City mustered an audience nearly 20 percent that of KFBK's. Arbitron showed the progressive station's audience was steadily growing. KSAC was the little station that could. Until it couldn't.<sup>xi</sup>

It wasn't that Talk City didn't have listeners, it's that it didn't have advertisers. KFBK's license holder, then Clear Channel, held six broadcast licenses within California's state capital. Clear Channel's advertising sales team was able to offer local merchants reduced priced ads if they purchased a package to advertise on all six stations. It became impossible for the single small station to compete in advertising sales. (Tiny stations are typically the only ones available for new market entrants.)

There is a relationship between consolidated ad sales, which could include Joint Sales Agreements, and content control. When groups launched the "Flush Rush" movement, volunteers wrote friendly letters to local businesses that were advertising on the Limbaugh radio program. They would include a clip of what Limbaugh was saying on the air, and then asked whether that merchant really wanted their products associated with that kind of speech. It turned out most did not want such controversy associated with their products; most had no idea they were advertising on political talk radio. It was just part of their advertising sales package. Many demanded their ads be removed from such programming.<sup>xii</sup>

It is true that economies of scale aid greatly in the modern day business of broadcasting. However, allowing more station groups to license fewer stations in a given market can provide for ample profit and still allow sales and informational competition.

## 5. Save Local News

Let us move now into the realm of television and the recent Supreme Court decision about the number of TV station licenses one station group may have in one community.

While doing research for a piece in September 2020 about Sinclair Broadcasting's illegal TV ownership shell game,<sup>xiii</sup> I stumbled into the Supreme Court case filed by Trump Federal Communications Commission Chair Ajit Pai, *FCC v Prometheus Radio*.<sup>xiv</sup>

I learned that rules proposed by Ajit Pai's FCC would allow one media conglomerate to potentially own the local newspaper, 2 network TV stations, 1-2 additional TV stations, and 8 radio stations – all in the same community. I immediately saw the danger of this scheme, which could allow one company to control the local reporters in virtually every media outlet in a single town.

I had already written an article September 23, 2020 about how Sinclair Broadcasting was playing a game by using shell companies to hide its control of three TV stations in Baltimore, Maryland.<sup>xv</sup> So I began to ask more questions.

My first step was to locate research papers the FCC had done about how many stations TV groups currently own in television markets across the country. To my surprise, I found there were no such studies. The FCC was literally taking a case to the Supreme Court which would allow TV station groups to own multiple TV stations within a single community without having done any independent research at all.

The FCC *used to* commission its own studies on local broadcasting. In 2002, the FCC issued a report called Broadcast Television: Survivor in a Sea of Competition” which showed local TV stations in large markets were making as much as 46% profits.<sup>xvi</sup>

Said the Commission at that time,

“The FCC Office of Plans and Policy's Working Paper Series presents staff analysis and research in various states. These papers are intended to stimulate discussion and critical comment within the FCC, as well as outside the agency, on issues in telecommunications policy. Titles may include preliminary work and progress reports, as well as completed research. The analyses and conclusions in the Working Paper Series are those of the authors and do not necessarily reflect the views of other members of the Office of Plans and Policy, other Commission staff, or the Commission itself. Given the preliminary character of some titles, it is advisable to check with authors before quoting or referencing these Working Papers in other publications. This document is available on the FCC's World Wide Web site at <http://www.fcc.gov/opp/>. The inside back cover contains a partial list of previous titles.”

That there was absolutely no FCC research on this critical Democracy topic astounded me.

So, with the aid of Media Action Center volunteers, we decided to conduct some research to provide to the Supreme Court in an Amicus brief filed by attorney Richard Faulkner.<sup>xvii</sup>

In just a few weeks, we developed and presented a database with photographic evidence of station websites showing that collectively, industry leaders Nexstar, Sinclair Broadcasting, Gray TV, Scripps, and Tegna already have two network TV stations in 53 different communities across the United States, all which *merely put the same news stories on both its local Network affiliate stations*. The broadcasting industry in their briefs were telling the Supreme Court that by consolidating two Network stations they will provide better local news coverage, but indeed, the opposite is true.

I thought I was providing insightful information from which the Justices could see the danger of this consolidation scheme, but as a non-lawyer, I did not understand that such relevant data had no place in the proceeding because this particular case began in 2017. The Supreme Court was narrowly looking at information gleaned years ago. As attorney for the FCC Malcomb L. Stewart told the Court in oral arguments, “the FCC determined in 2017 that its newspaper, broadcast, and radio television rules should be repealed entirely and that its local television rules should be relaxed.”

During oral arguments on January 19, 2021,<sup>xviii</sup> the final day of the Trump administration, Justice Kavanaugh asked Prometheus counsel Ruthanne M. Deutsch what research she had to back up her assertions that this proposed FCC rule change would harm ownership opportunities by minorities and females, the crux of the case. Prometheus had argued that the FCC was relying on flawed or non-existent data to make that assessment. The only study the Public Interest groups could cite was a study conducted by Free Press study – conducted way back in 2007.<sup>xix</sup>

JUSTICE BREYER: Now why in heaven's name did you not, or groups that support you, given the tremendous number of people who I'm happy are interested in this -- why aren't there some studies or something? There are 10,000 law professors and economics professors who look for studies to do. Why isn't there something? MS. DEUTSCH: Well, there is something on this issue which they ignored, even as they cited one -- JUSTICE BREYER: Okay, what? MS. DEUTSCH: The Free Press study.

JUSTICE BREYER: Okay, that's -- the free. Is there anything other than that? MS. DEUTSCH: Yes. JUSTICE BREYER: What?

MS. DEUTSCH: They have their own study that's titled "Whose Spectrum Is It Anyway" that was cited in comments in -- in the 2014 further notice of proposed -- JUSTICE BREYER: Okay.

(For the record, the FCC study cited above was conducted in December, 2000. <sup>xx</sup>)

Again, from Oral arguments:

... JUSTICE KAGAN: So, Ms. Deutsch, suppose that that's right, and the -- the Commission has historically considered this as -- as one factor in its broader public interest analysis, but, here, the Commission says something along the lines of: Look, there's actually not a lot of data about how this rule will affect minority and female ownership. To the extent that we have data, we

think it's -- it -- it shows that it won't have an impact, and -- and so we're going to go with this new rule. Why -- why isn't that enough? MS. DEUTSCH: Because it would be an important break with past commitments, not only the repeated promise to -- to collect data and analyze this problem, which, as I said, goes back to the 1995 TV rule, but -- JUSTICE KAGAN: Well, are you saying that the Commission has a free-standing obligation to go out and collect data itself with respect to this? The Commission can't rely on the notice-and-comment process to -- to provide it with data?

MS. DEUTSCH: The Commission has its own data already that it collects in the Form 323, for instance. So, no, I'm not saying that, but I think what was wrong with your first formulation or how it might have been, you know, more passable was if the Commission had said: We can't figure it out. It's too uncertain. Put to one side our promises about figuring it out better. But we're willing to move forward no matter the harm to this goal, even though we still think this goal is important, but we -- we just -- you know, we're throwing up our hands.

On Thursday, April 1, 2021, issued its decision. In the opinion issued by Justice Kavanaugh,<sup>xxi</sup> the Court said,

“In challenging the FCC’s order, Prometheus argues that the Commission’s assessment of the likely impact of the rule changes on minority and female ownership rested on flawed data. But the FCC acknowledged the gaps in the data sets it relied on, and noted that, despite its repeated requests for additional data, it had received no countervailing evidence suggesting that changing the three ownership rules was likely to harm minority and female ownership. Prometheus also asserts that the FCC ignored two studies submitted by a commenter that purported to show that past relaxations of the ownership rules had led to decreases in minority and female ownership levels. But the record demonstrates that the FCC considered those studies and simply interpreted them differently.

“In assessing the effects of the rule changes on minority and female ownership, the FCC did not have perfect empirical or statistical data. But that is not unusual in day-to-day agency decisionmaking within the Executive Branch. The Administrative Procedure Act (APA) imposes no general obligation on agencies to conduct or commission their own empirical or statistical studies. And nothing in the Telecommunications Act requires the FCC to conduct such studies before exercising its discretion under Section 202(h). In light of the sparse record on minority and female ownership and the FCC’s findings with respect to competition, localism, and view-point diversity, the Court cannot say that the agency’s decision to re-peal or modify the ownership rules fell outside the zone of reasonableness for purposes of the APA.”

Cheryl Leanza, co-counsel in the case and the United Church of Christ's media justice policy advisor responded,<sup>xxii</sup>

"The sparse record is the FCC's own fault. Any analysis of this question must rely on the FCC's data and yet the FCC has long permitted broadcast licensees to avoid filing their ownership data with impunity."

At the end of the day, We the People, the Public whose interest is to be served by FCC decisions, were forced to rely on just two studies, one 20 years old and another 13 years old. Meanwhile the mega-funded industry used the long litigated issue of minority and female ownership of broadcast stations to achieve its real goal of consolidating power in Anytown USA to the degree that we could end up with only one news source in any one community. Again, let us consider the term "competition" in light of the information necessary for a Democracy.

In Amicus Briefs submitted to the Supreme Court, the Television industry painted a woeful financial picture to convince the Court that only by owning multiple network and non-network TV stations within the same town could the industry survive to provide news at all. However, as noted in my own Amicus Brief,<sup>xxiii</sup> and footnoted below,

"TV Station groups have been posting record earnings over the past few years, even during the pandemic.<sup>1</sup> BIA/Kelsey reported that local television station revenue reached \$28.4 billion in 2016, and was projected to rise to nearly \$33 Billion by 2020.<sup>2</sup> Tegna enjoyed "third quarter 2020 results that included total revenue of \$738 million, up 34% year-over-year, driven by record 2020 political advertising revenue, continued strength of subscription revenue and stronger than expected advertising and marketing services revenue despite the impact of COVID-19 on the advertising market this year, as well as the impact of acquisitions."<sup>3</sup>

Political ad revenue is the primary driver of profits in television. Gray Television reported record earnings in the 2018 cycle.<sup>4</sup> Gray now reports the 2020 campaign season netted them \$400 million dollars in political ad sales.<sup>5</sup> Likewise, Tegna reported record 3<sup>rd</sup> quarter political ad sales in 2020, as did Nexstar.<sup>6 7</sup> Sinclair reported political revenues "were \$109 million in the third quarter versus \$6 million in the third quarter of 2019 due to 2020 being a presidential election year."<sup>8</sup> Scripps reported the same trend. "Scripps' 2020 Local Media political advertising revenue totaled about \$265 million through Election Day, far exceeding original expectations of \$196 million. Political action committee spending accounted for 50% of this total; presidential candidate spending was about 16%."<sup>9</sup> The latter is important because broadcasters are required

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<sup>1</sup> <https://www.businesswire.com/news/home/20201105005174/en/Nexstar-Media-Group-Reports-Record-Third-Quarter-Net-Revenue-of-1118.2-Million>

<sup>2</sup> <http://www.biakelsey.com/biakelsey-reports-local-television-station-revenue-reached-28-4-b-2016-retransmission-fees-air-digital-revenues-contribute-strong-year/>

<sup>3</sup> <https://tvnewscheck.com/article/255652/teгна-reports-34-3q-revenue/>

<sup>4</sup> <https://www.gray.tv/uploads/documents/pressreleases/PressReleaseQ218EarningsRelease.pdf>

<sup>5</sup> <https://apnews.com/press-release/globenewswire-mobile/technology-business-north-america-television-georgia-673850f0bee4a4806f4271a4e0c1be3e>

<sup>6</sup> See *Quarterly Report, Tegna Reports 34% 3Q Revenue Increase* (Nov 2020), *supra* at 24

<sup>7</sup> <https://www.nexstar.tv/dallas-morning-news-political-ads-fuel-record-quarterly-revenue-for-nexstar-the-irving-based-tv-station-operator/>

<sup>8</sup> [https://sbgi.net/wp-content/uploads/2020/11/3Q20-Earnings-PR\\_FINAL.pdf](https://sbgi.net/wp-content/uploads/2020/11/3Q20-Earnings-PR_FINAL.pdf)

<sup>9</sup> <https://scripps.com/press-releases/scripps-reports-third-quarter-2020-results/>

to charge candidates their lowest rates, while they may charge PAC groups whatever the market will bear.

There is a direct relationship between political ad revenues and local news. As per the National Institutes of Health, in 2016, “About half of all political ads for the presidential and down-ballot races were aired on local newscasts—that was about twice as many as were aired on all other news programs on networks combined, and twice as many as were aired on all entertainment and sports programs combined.”<sup>10</sup>

According to the NAB brief,<sup>11</sup> “The Commission cited the benefits of consolidation when it approved Gray Television’s request to acquire NBC-affiliated KDLT-TV in Sioux Falls, South Dakota, despite its ownership of ABC-affiliated KSFY-TV in the same market. Applying the Reconsideration Order’s now-vacated rule assessing top-four duopolies on a case-by-case basis, the Commission concluded that Gray’s ownership of these same-market stations would ‘produce definite, verifiable, and transaction-specific public interest benefits,’ including the addition of ‘at least 28 hours per week of local news programming’ across both stations, which is ‘more local news programming than either station currently airs in an average week.’”

However, Media Action Center found that it appears KDLT and KSFY share news content across both stations. This isn’t much more news, it’s simply putting the same news on at different times on two stations.

I invite you to look at the photographic evidence below of this statement included in our Amicus, which shows screenshots of local news provided by Nexstar and Sinclair. Both have promised more and better news coverage if allowed to own more stations, but the screenshots prove that they are merely running the same news stories across their 2 or 3 TV stations in one community.

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<sup>10</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7595048/>

<sup>11</sup> *Supra* at 23



APPENDIX 2  
PHOTOGRAPHIC EVIDENCE OF STATION  
GROUPS DUPLICATING NEWS CONTENT  
ACROSS MULTIPLE LOCAL STATIONS

EXHIBIT 2-1. NEXSTAR KARK NBC



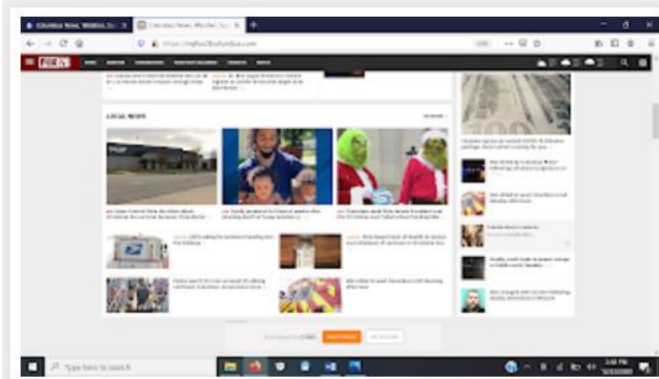
EXHIBIT 2-2. NEXSTAR KLRT FOX



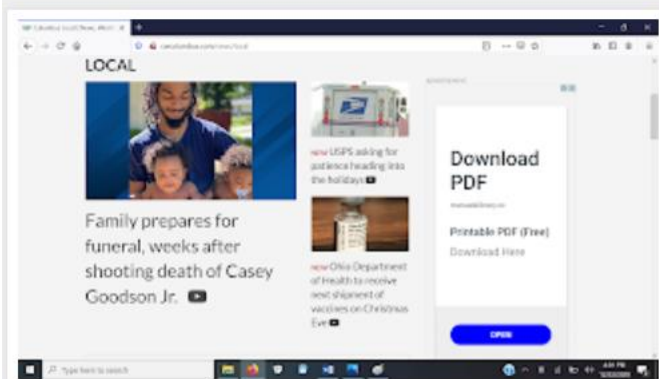
## EXHIBIT 2-3. SINCLAIR WSYX ABC



## EXHIBIT 2-4. SINCLAIR WTTE FOX



## EXHIBIT 2-5. SINCLAIR WWHO CW STATION



MAC volunteers further discovered the following:

“Nexstar, the largest station group, appears to own or control two Network affiliates in 31 markets. In five of those markets, Nexstar owns or controls one or two stations *in addition* to its Top Four duopoly.

In the Little Rock/ Pine Bluff AR DMA, Nexstar controls four TV stations: KARK NBC, KLRT FOX, KARZ, and KASN. All are listed on the Nexstar Media Group website.<sup>12</sup> KARK’s website and KLRT’s website (<https://www.kark.com/news/local-news/> and <https://www.fox16.com/news/local-news/> ) demonstrate the local news stories presented on the two network affiliate websites are substantially the same. Screenshots are provided in Appendix 1.

Does that mean that Nexstar is producing one set of local news and merely duplicating it on two stations? *Absent research comparing the on air product of KARK NBC and KLRT FOX, it is impossible to definitively know, but it should be known and considered.*

Little Rock is the 59<sup>th</sup> largest DMA in the country, with a DMA population of 1,259,100 and a minority population of 30%.<sup>13</sup> There are nine full power stations in Little Rock, but only six or seven are commercial stations.<sup>14</sup>

Nexstar also owns or controls two Network affiliate stations with a third station in Fort Smith, AR; in Davenport IL; Tyler, TX; and Wichita Falls, TX. Each of the Top Four duopoly stations in all of these markets share exactly the same website and address, as detailed in the Nexstar Data Table.

In 27 local markets, it appears Nexstar network affiliate stations are sharing the same local news content on both or all its stations. Two are not sharing the same news.

Nexstar stations in Hardin/ Billings MT and Peoria/ Bloomington IL provide no local news.

See Nexstar Top Four Network Affiliate Duopoly Data Table:

<https://drive.google.com/file/d/1o7KjXrH2576Mm1vu6kW63hPvu41NKlZZ>

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<sup>12</sup> <https://www.nexstar.tv/stations/>

<sup>13</sup> *Source:* All DMA and minority data is from Katz Radio Group per Nielsen. Minority data is defined as Black and Hispanic population <http://krgspec.com/>

<sup>14</sup> See: <https://www.stationindex.com/tv/markets/Little+Rock-Pine+Bluff>

## SINCLAIR<sup>15</sup>

See Sinclair Top Four Network Affiliate Duopoly Data Table:

<https://drive.google.com/file/d/1o7KjXrH2576Mm1vu6kW63hPvu41NKlZZ>

Sinclair Broadcasting appears to own or control two network affiliates in 23 markets. In six of those markets, Sinclair owns or controls one or two stations in addition to its Top Four network duopoly.

In the Columbus OH DMA, Sinclair controls three TV stations: WSYX ABC, (<https://abc6onyourside.com/news/local>) WTTE FOX, (<https://myfox28columbus.com/news/local>) and WWHO CW (<http://cw-columbus.com/news/local/more> .) All are listed on the Sinclair website under station DMA information.<sup>16</sup> MAC finds that Sinclair is providing substantially the same local news on all three stations. Screenshots are provided in Appendix 1.

Columbus, the state capital of Ohio, is the 33<sup>rd</sup> largest DMA in the country, with a DMA population of 2,239,900 and a minority population of 22%. There are seven full power stations in Columbus, but only five or six are commercial stations.<sup>17</sup>

The Court should consider why the FCC is allowing one company to simply duplicate news content in three of six local TV stations in a State Capital where not only local, but state news content is needed by the populace but the democracy. Has the industry watchdog merely become a lapdog?

Sinclair also owns or controls Top Four Duopolies with a third station in Mobile AL/Pensacola FL; Champaign, IL; Flint MI; Reno NV; and San Antonio/Kerrville TX. The four separate stations owned and controlled by Sinclair in Mobile/Pensacola do not appear have the same local news. The other four named markets do appear to be sharing local news content between the stations, sometimes sharing the same website URLs, other times having identical websites under different URLs.

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<sup>15</sup> During the proposed Sinclair/ Tribune merger, the FCC issued a Hearing Designation Order to determine the veracity of information Sinclair provided to the agency over the true ownership of Sinclair Broadcasting and its sidecars Cunningham and Deerfield. *Applications of Tribune Media Company (Transferor) and Sinclair Broadcast Group, Inc. (Transferee) for Transfer of Control of Tribune Media Company and Certain Subsidiaries, WDCD(TV) et al., Hearing Designation Order*, 33 FCC Rcd 6830, para. 2 (2018) (HDO). Sinclair subsequently withdrew its merger application, and the FCC resolved the dispute with a Consent Decree. *In re Sinclair Broad. Grp.*, 2020 FCC LEXIS 1914 (F.C.C. May 22, 2020). In Administrative Law Judge Jane Halprin's written dismissal, she wrote, "That is not to say that Sinclair's alleged misconduct is nullified or excused by the cancellation of its proposed deal with Tribune. Certainly, the behavior of a multiple station owner before the Commission 'may be so fundamental to a licensee's operation that it is relevant to its qualifications to hold any station license.' *Applications of Tribune Media Company (Transferor) and Sinclair Broadcast Group, Inc. (Transferee) for Transfer of Control of Tribune Media Company and Certain Subsidiaries, WDCD(TV) et al., FCC 19M-01 Order*, 2019 FCC LEXIS 4045 (ALJ 2019)

<sup>16</sup> <https://sbgi.net/tv-channels/>

<sup>17</sup> See: <https://www.stationindex.com/tv/markets/Columbus,+OH>

In the 23 local markets, it appears that 17 Sinclair network affiliate stations are sharing the same local news content on both or all its stations. Two are similar; four are not sharing the same news.

### GRAY TV

See Gray TV Top Four Network Affiliate Duopoly Data Table:

[https://drive.google.com/file/d/1snw-ROVs0x\\_CaJwJ5HmAqAdasgXhgInQ](https://drive.google.com/file/d/1snw-ROVs0x_CaJwJ5HmAqAdasgXhgInQ)

Gray TV appears to own or control Top Four network affiliate duopolies in 11 markets.

In Sioux Falls, SD, MAC sees a pattern common across all station groups' websites, which is its two separate Network affiliate stations KSFY ABC and KDLT NBC FOX share the same website, <https://www.dakotanewsnow.com/>. We note the ABC and NBC logos are both visible on the site. KSFY and KDLT apparently share the same news product.<sup>18</sup> A screenshot is provided in Appendix 1.

Sioux Falls is the 117<sup>th</sup> largest DMA in the country, with a DMA population of 600,400 and a minority population of 9.64%.

MAC finds that of the 11 local Gray TV markets, it appears the news presented on three Gray station websites are not the same, one is uncertain, and one is similar. In the remaining six markets, it appears the news content is the same across Gray Network TV stations.

### SCRIPPS

See Scripps Top Four Network Affiliate Duopoly Data Table:

[https://drive.google.com/file/d/1k7kNDzjN3OGzm69zQsuZEGXTBMpG\\_Vkl](https://drive.google.com/file/d/1k7kNDzjN3OGzm69zQsuZEGXTBMpG_Vkl)

Scripps appears to have Top Four network affiliate duopolies in 3 markets.

In Boise, ID, where there are reportedly seven full power TV stations<sup>19</sup>, Scripps holds licenses to KIVI ABC, <https://www.kivitv.com> and KNIN FOX [fox9now.revrocket.us](https://www.fox9now.revrocket.us). KIVI does present news content; KNIN appears to produce none.

Boise is the 99<sup>th</sup> largest DMA in the country, with a DMA population of 745,900 and a minority population of 14.4%.

MAC finds in the other two Scripps owned Network duopolies, their stations appear to provide the same news content across both stations.

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<sup>18</sup> The FCC granted this license to Gray after the 3<sup>rd</sup> Circuit issued its decision vacating the rules which make the transaction permissible. *Consent to Assign Certain Licenses from Red River Broadcast Co, LLC to Gray Television Licensee, LLC*, 34 FCC Rcd. 8590 (2019). See <https://docs.fcc.gov/public/attachments/DA-19-943A1.pdf>

<sup>19</sup> <https://www.stationindex.com/tv/markets/Boise>

## TEGNA

See Tegna Top Four Network Affiliate Duopoly Data Table:

[https://drive.google.com/file/d/1YQfTwJFAwhla93xx1jnazB7O\\_FbhgsHv](https://drive.google.com/file/d/1YQfTwJFAwhla93xx1jnazB7O_FbhgsHv)

Tegna appears to have Top Four network affiliate duopolies in 2 local markets.

In one local market, stations do not appear to be sharing news content. In the other market, they do.

Our study was not considered by the Court because it was not submitted at the correct place or time. But Justice Breyer asked exactly the right question in oral arguments: "... given the tremendous number of people who I'm happy are interested in this -- why aren't there some studies or something?"

I do not have that answer. But clearly, studies are necessary. And even though we've learned the FCC is not *required* to provide its own studies, given the FCC's mandate to serve the public interest, the FCC's database of information, and the urgent need to dismantle disinformation, *only the FCC can protect the public and the Democracy at this crucial moment*. The Commission needs to fund independent non-industry research rather than rely on the handful of underfunded not for profit organizations and independent journalists like myself to counter pro-industry research funded by a billion dollar industry.

Studies cost money, but the Commission has access to a large enough amount to fund enough appropriate studies to answer crucial questions. In May 2020, the FCC fined Sinclair Broadcasting \$48 million for deceptive conduct in its bid to merge with Tribune Broadcasting. Such conduct directly relates to questions about forthcoming waivers to allow fewer broadcast station groups to own more local TV stations within a given market. Therefore, it is appropriate to use the amount of that fine to fund local market studies so future decisions are based in fact, not conjecture.

## Final Summary:

As the Commission considers “competition,” please consider the real-life impact of the broadcast industry cornering the market on ideas and rhetoric. The unintended consequence of current FCC rules has over a generation grown from hot topics to fanning flames into a real life insurrection, now recognized as an attempted coup.

So do the FCC’s “media ownership rules remain ‘necessary in the public interest as the result of competition’?”

Absolutely. We need the FCC to make rules, as they are crucial to the public interest and to industry. But the FCC’s *current* rules provide no competition for the give and take of ideas and information necessary to our Democracy and the future of our nation.

The need for true competition should not be framed as a Republican v Democrat issue. Given the immense power the radio and TV airwaves had, have and will continue to have in the future, the decisions must be framed as a crucial Democracy issue.

Good Commissioners, *you are the only ones* who can right these wrongs and repair America.

We the People are counting on you.

## VII. Recommendations:

1. **Restore the opportunity to respond to both personal and political attacks on our publicly owned airwaves.** If a radio or TV broadcaster attacks someone personally, that person must have the right to respond, to defend himself or herself on the same program where they have been attacked. If a radio or TV show spends hours promoting one political viewpoint, a competitor of opposing views should have the right to respond in that same time slot. This common sense rule change ensures fair competition not only between business competitors but also in the debate so crucial to Democracy.
2. **Using proceeds from the \$48 million Sinclair fine, reinstate a 21<sup>st</sup> Century version of the “FCC Office of Plans and Policy’s Working Paper Series.”** As we have learned, the Federal Communications Commission abandoned its former practice of supporting data driven studies. The agency now relies on underfunded non-profit organizations and independent journalists to counter studies funded by the well-heeled broadcast industry. This creates an anti-competitive advantage for industry. Industry has the further benefit of obtaining actual data from the FCC for its reports – because the industry is providing its own data – which is largely unavailable to the public. Is the data industry is providing to the Commission even correct? Armchair studies suggest it is not, but well-funded studies will provide the facts so crucial to preserving our Democracy in these tenuous times.

3. **Get a current snapshot of Local TV industry operations** Study individual TV markets to determine how many station groups are currently operating within a single community. Determine how many Network stations within that market each group currently controls, how many non-network stations each group controls. Determine whether station groups are operating within the guidelines established by law or whether they are creating shell operations to hide the control of more than their allotted share of licenses to broadcast in every community.
4. **Ensure competition for Local News** Determine on a market by market basis whether station groups are providing different local news stories on each of their TV stations in a single community, or whether they are merely duplicating local news stories on their multiple TV stations. Collaborate with willing local level groups to monitor the airwaves in their own communities across the USA. Using this data, develop guidelines so every community has competition in the realm of news and information.
5. **Rewrite Radio licensee ownership caps** Limit the total numbers of radio licenses to a single radio group to four in a single market, thereby creating opportunities for more station groups to compete. Balance the scale of station Size so each station can have at least one high wattage station.
6. **Expand the number of five FCC Commissioners to seven to include two Public Interest Commissioners.** These public interest Commissioners will provide the Commission needed insight from real communities outside the Beltway to better serve the public in the Commission's decision-making process.

## **Sue Wilson Credentials**

Sue Wilson started her broadcast journalism career at KCBS-TV in Los Angeles in 1987, working under the supervision of Alex Nogales, producing programs under the FCC rule known as the Fairness Doctrine. In her capacity, she produced a program about controversial issues called "At Issue." To comply with Fairness Doctrine rules, she filed reports about whom she had invited to appear on each program. Those reports were provided both to the Federal Communications Commission and in Public Files so the public could see that an effort was always made to offer an opportunity for differing opinions to be presented on this Emmy winning program. KCBS did not demand, nor did the Fairness Doctrine, that both sides be presented, only that a real attempt to offer an *opportunity* for various opinions be made. Wilson was nominated for two Emmy awards at KCBS and brought one home.

By 1994, Wilson had moved to the state capital of California and won another Emmy at KTXL Fox 40 News for the government watchdog news series "You Paid For It." This began her lifelong interest in holding government accountable to the public. After a stint at KVIE PBS, in 1998, she worked for the



national TV syndicator Sweepsfeed, and broke the news that pharmaceuticals were appearing in European drinking water supplies, but testing had not been done in the United States; as a result, the EPA began a ten-year study finding that pharmaceuticals were also appearing in US supplies. She then worked at Sacramento's NPR station Capital Public Radio, bringing home a coveted national PRNDI award on a program dealing with media disinformation, two awards from the Associated Press Television and Radio Association, and four Radio Television News Directors Association awards, including one for investigative reporting.

But living in Sacramento had opened her eyes to a dangerous trend in broadcasting. She had listened to hometown hero Rush Limbaugh and quickly learned that he routinely lied to the public about matters that could be easily disputed, but there was no real mechanism for the public to bring facts to light. Attempts to call into his radio show proved fruitless. Then, after the 1996 Telecommunications Act was signed into law, she listened as radio airwaves consolidated, and Limbaugh clones across the dial used innuendo and half-truths as a bludgeon against a sitting president, again with no opportunity for public refutation. In 1998, she joined the C-Span covered "We the People" rally to protest such abuse of the publicly owned airwaves with her fledgling volunteer group called the Truth in America Project.

In 2005, Wilson began connecting the dots which led to today's disinformation crisis with her documentary film, *Broadcast Blues*, released in 2009 by Public Interest Pictures. She began writing on FCC and media disinformation topics for dozens of various local and national publications, including McClatchy DC, the Sacramento Bee, Miami Herald, Denver Post, Delaware Gazette, Columbus Ledger-Enquirer, Huffington Post, BradBlog and many others. All stories are archived at [suewilsonreports.com](http://suewilsonreports.com).<sup>xxiv</sup>

After touring the country with *Broadcast Blues* and hearing complaints of political disinformation on radio stations, which station owners would not allow local listeners to refute, in 2011 she started the public interest media watchdog group the Media Action Center.

In 2012, MAC conducted a study of radio coverage during the Scott Walker recall, documenting that Milwaukee radio stations refused to allow any Democratic supporters of Walker opponent Tom Barrett on the air at all, while providing millions of dollars in free airtime to Walker. MAC filed both a formal complaint to the FCC citing Zapple rules and Petitions to Deny the licenses of WTMJ radio and WISN radio. The FCC denied such complaints had even been filed, and essentially decided that stations had the right to provide millions of free time to their preferred candidates without providing any time for an opponent. The entire process and outcome follows in the text below.

In 2013, Wilson and MAC filed a Petition to Deny the license of Entercom's radio station KDND for the 2007 water drinking contest the station sponsored which took the life of Jennifer Strange. The FCC called for a hearing on the matter, and Entercom gave up that license to further its merger with CBS Radio.

In 2018, she educated the public via op-eds about Alex Jones' disinformation campaign of telling the public that the Sandy Hook school shooting was a hoax, inviting listeners to attack grieving families; some were harassed so much they have had to move away from their own homes. MAC started a campaign to ask the FCC label Jones' show a hoax. Volunteers wrote letters to individual stations, and many have simply taken Jones off the radio in their communities.

In September 2020, Wilson began reporting on a Petition to Deny the broadcast licenses of Sinclair Broadcasting stations in Baltimore for what has been described as a shell game concerning the true ownership of stations it operates there. This research led Wilson in October 2020 to file a Freedom of Information Act Request with the Federal Communications Commission to obtain documents pertaining

to the FCC's decision to enter into a Consent Decree with Sinclair Broadcasting over its behavior in its proposed merger with Tribune Media. That request is currently being adjudicated.

But the intricate knowledge Wilson gained about Sinclair and its operations brought even more questions about the FCC's proposed rule to allow one TV station group to own 2 network stations in a single community. This led to even more research, which was included in the Sue Wilson, Media Action Center Amicus Brief to the Supreme Court in December 2020.

Sue Wilson is not a member of any political party.

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<sup>i</sup> <https://www.mediaactioncenter.net/p/formal-complaint-to-fcc-re-wisn-and.html>

<sup>ii</sup> <http://www.jsonline.com/blogs/purple-wisconsin/157244905.html#!page=2&pageSize=10&sort=newestfirst>

<sup>iii</sup> <https://www.talkers.com/2012/06/04/wisconsin-recall-spurs-question-of-equal-time-on-milwaukee-newstalk-outlets/>

<sup>iv</sup> <https://www.mediaactioncenter.net/2012/11/mac-files-petitions-to-deny-milwaukee.html>

<sup>v</sup> [https://www.supremecourt.gov/opinions/20pdf/19-1231\\_i425.pdf](https://www.supremecourt.gov/opinions/20pdf/19-1231_i425.pdf)

<sup>vi</sup> <https://wisconsinexaminer.com/2021/09/21/gablemans-taxpayer-financed-video-puts-a-reasonable-face-on-election-fraud-craziness/?fbclid=IwAR0kD3Xtm5AUBSoiMY2GgppuRHdF8wwigo8Esi9UNcgoczP7NQ2SepfBe3U>

<sup>vii</sup> <https://wisconsinexaminer.com/2021/01/14/tiffany-capitol-violence-rally-mckenna/>

<sup>viii</sup> <https://www.mediamatters.org/rush-limbaugh/rush-limbaugh-theres-simply-no-way-joe-biden-was-legitimately-elected-president-i>

<sup>ix</sup> <https://www.mediamatters.org/sean-hannity/sean-hannity-presidential-election-theres-no-doubt-was-stolen>

<sup>x</sup> <https://drive.google.com/file/d/1HBNlx9aFce6y24Dh6dvYeeBLIBsR17TN/view>

<sup>xi</sup> <https://www.suewilsonreports.com/2018/02/battling-genesis-of-alternative-facts.html>

<sup>xii</sup> <https://www.forbes.com/sites/onmarketing/2012/03/16/what-brands-can-learn-from-the-flush-rush-movement/?sh=1f3068010393>

<sup>xiii</sup> <https://bradblog.com/?p=13569>

<sup>xiv</sup> [https://www.supremecourt.gov/DocketPDF/19/19-1231/141900/20200417141044916\\_OSG%20Prometheus%20Cert%20Petition%2014.pdf](https://www.supremecourt.gov/DocketPDF/19/19-1231/141900/20200417141044916_OSG%20Prometheus%20Cert%20Petition%2014.pdf)

<sup>xv</sup> <https://www.suewilsonreports.com/2020/09/why-does-fcc-allow-sinclair.html#more>

<sup>xvi</sup> <https://transition.fcc.gov/ownership/materials/already-released/survivor090002.pdf>

<sup>xvii</sup> [https://www.supremecourt.gov/DocketPDF/19/19-1231/166343/20210114155632239\\_Sue%20Wilson%20Main%20Document%20E%20FILE%20update.pdf](https://www.supremecourt.gov/DocketPDF/19/19-1231/166343/20210114155632239_Sue%20Wilson%20Main%20Document%20E%20FILE%20update.pdf)

<sup>xviii</sup> [https://www.supremecourt.gov/oral\\_arguments/audio/2020/19-1231](https://www.supremecourt.gov/oral_arguments/audio/2020/19-1231)

<sup>xix</sup> [https://www.freepress.net/sites/default/files/legacy-policy/off\\_the\\_dial.pdf](https://www.freepress.net/sites/default/files/legacy-policy/off_the_dial.pdf)

<sup>xx</sup> [https://transition.fcc.gov/opportunity/meb\\_study/historical\\_study.pdf](https://transition.fcc.gov/opportunity/meb_study/historical_study.pdf)

<sup>xxi</sup> [https://www.supremecourt.gov/opinions/20pdf/19-1231\\_i425.pdf](https://www.supremecourt.gov/opinions/20pdf/19-1231_i425.pdf)

<sup>xxii</sup> [http://uccmediajustice.org/p/salsa/web/blog/public/?blog\\_entry\\_KEY=7839](http://uccmediajustice.org/p/salsa/web/blog/public/?blog_entry_KEY=7839)

<sup>xxiii</sup> [https://www.supremecourt.gov/DocketPDF/19/19-1231/166343/20210114155632239\\_Sue%20Wilson%20Main%20Document%20E%20FILE%20update.pdf](https://www.supremecourt.gov/DocketPDF/19/19-1231/166343/20210114155632239_Sue%20Wilson%20Main%20Document%20E%20FILE%20update.pdf)

<sup>xxiv</sup> <https://www.suewilsonreports.com/>